

REMARKS

This application has been carefully reviewed in light of the Office Action dated September 19, 2005. Claims 1 to 45 are in the application, of which Claims 1 and 40 are the only independent claims. Reconsideration and further examination are respectfully requested.

The Office Action entered a constructive election of Claims 1 to 45, and withdrew newly-submitted Claims 46 to 52 from further consideration on the merits. Claims 46 to 52 have consequently been cancelled, without prejudice or disclaimer of subject matter, and without conceding the correctness of the constructive election.

The Office Action maintained its art-based rejections of Claims 1 to 45, and additionally made those rejections final. Thus, Claims 1 to 6, 8, 9, 11 to 17, 23, 24, 37, 38, 44 and 45 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,784,702 (Greenstein) in view of U.S. Patent 5,696,701 (Burgess); Claims 7, 10 and 39 were rejected further in view of Official Notice taken at page 12 of the Office Action; Claims 18 to 20, 22, 25, 27 to 31 and 35 were rejected further in view of U.S. Patent 6,125,390 (Touboul); Claims 21 and 26 were rejected further in view of Official Notice taken at page 17 of the Office Action; and Claims 32 to 34, 36 and 40 to 43 were rejected further in view of Touboul and U.S. Patent 6,167,567 (Chiles).

The rejections are all respectfully traversed, as detailed more fully below.

The invention concerns deletion or reallocation, via a network, of functional modules or hardware resources in a multifunction network device. According to the

invention defined by Claim 1, a reconfiguration command is sent via the network to a target multifunction network device, and a confirmation message is received via the network that the target device has been reconfigured in accordance with the reconfiguration command. The reconfiguration command is a deletion command to delete at least one function module, or a reallocation command to reallocate an amount of hardware resources available for use by a plurality of such function modules.

In their prior traversal of the rejection, Applicants explained that Greenstein is unrelated to network communications, such that it could not possibly provide any guidance to those of ordinary skill in the network arts. The instant Office Action disagreed with this position, and stated the Examiner's belief that Greenstein is related to network communications:

“Greenstein is related to network communications because it includes a network device and an operator and involves communication between them (see Fig. 1 and Fig. 9) ...” (Office Action, page 4).

Applicants continue to disagree with this characterization of Greenstein.

More specifically, Greenstein nowhere mentions that his device is a “network device”. In fact, Greenstein uses the word “network” only in one place in his entire description, including figures and textual specification. Specifically, at column 6, line 16, Greenstein describes a policy specified by an installation, and mentions that such a policy might include rules as follows:

“Rules which must not be violated (e.g. LPB must never have less than 16 meg of storage (or a network with 20,000 terminals will crash); LPC does not support hardware-initiated-reconfiguration).” (Greenstein, column 16, lines 14-18).

This mention of the word "network" is the single occurrence of the word in the entire disclosure (both figures and text specification) in Greenstein, and it does not even describe the Greenstein device. Rather, it describes some other device (i.e., "a network with 20,000 terminal"). Thus, Greenstein's mention of the word "network" is an out-of-context reference, and certainly does not pertain to anything that might or might not be shown in Greenstein's Figures 1 and 9.

Thus, it cannot fairly be said that Greenstein describes anything concerning network communication. In contrast to the position taken at page 4 of the Office Action, Greenstein does not include a network device, and Greenstein does not involve communication between a network device and an operator. Moreover, with respect to any possible concessions by Applicants concerning Greenstein's dynamic reconfiguration, Applicants maintain their position that Greenstein is unrelated to network communications and is thus is unrelated to remote deletion or reallocation, via a network, of functional modules or hardware resources in a multifunction network device.

Because Greenstein is unrelated to network communications, it further is not logical to conclude that Burgess and Greenstein are "from the same field of endeavor". Specifically, since Greenstein is unrelated to network communication, those of ordinary skill with knowledge of the Greenstein patent would not have been motivated to refer to the Burgess patent because of the technological irrelevance of the non-network environment of Greenstein to the network environment of Burgess.

Page 3 of the Office Action further took the position that the general concept of the claimed method for managing a multifunction network device on a network

“has not been given any patentable weight because the recitation occurs in the preamble”.

Applicants respectfully traverse this treatment and interpretation of the claim language, and feel that this failure to accord patentable weight has led to an incorrect conclusion of obviousness. It cannot fairly be said that the recitations in the preamble are not relied upon in the body of the claim. The claim specifically recites reliance on a network and the existence of multifunction devices on the network. For example, Claim 1 specifies a reconfiguration event and its origination with a network device for receipt over the network:

“wherein the reconfiguration event is transmitted over the network by the one multifunction network device and is received via the network”

Claim 1 further specifies a reconfiguration command and its transmission over the network:

“sending via the network a reconfiguration command to the one multifunction network device”

Claim 1 further specifies receipt via a network of a confirmation message, and the origination of the confirmation message from the network device:

“receiving via the network a confirmation message confirming that the one multifunction network device has been reconfigured in accordance with the reconfiguration command, wherein the confirmation message is transmitted over the network by the one multifunction network device”.

In view of the claim language, it is not understood why no patentable weight was accorded to the concept of a method for managing a multifunction network device over a network, particularly in view of the clear interaction of the network device with the network, and

receipt and transmission of a reconfiguration event, a reconfiguration command and a confirmation message via the network and originating with (or targeting) a network device.

It is therefore respectfully submitted that the claims herein clearly define a method for managing network devices on a network, and that the primary art applied against the claims (Greenstein) is unrelated to network communications. Withdrawal of the rejection over Greenstein in view of Burgess is therefore respectfully requested.

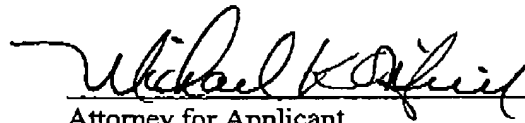
REQUEST FOR INTERVIEW

In telephone communications with the Examiner, it was agreed that an interview would be conducted when this case came up for action on the Examiner's docket. It is therefore respectfully requested for the Examiner to telephone the undersigned when this case comes up for action, and before a next official Communication is issued from the USPTO.

CONCLUSION

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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